

## Remarks

### **A. Objection to Specification**

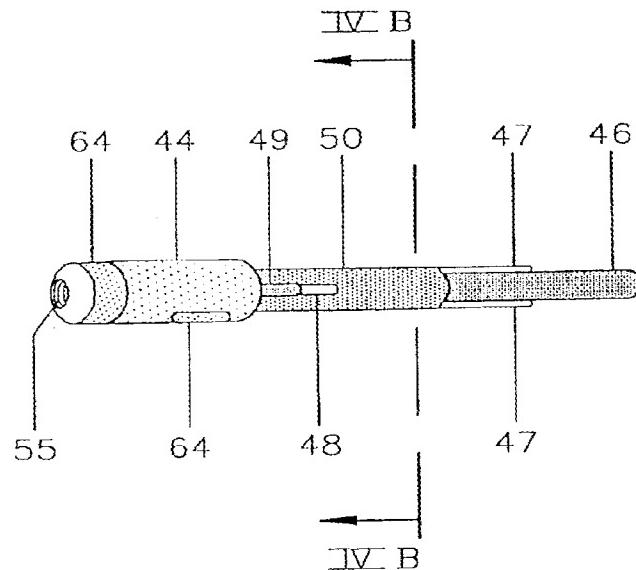
Objection is made to the term anchoring “device.” The Examiner contends that there is no disclosure in the specification of an anchoring “device.” Rather, there is only disclosure of an anchoring “band.” Applicants previously invited the Examiner’s attention to claim 21 as originally filed, which includes the term anchoring “device.” Claims as originally filed, by statute, constitute part of the specification. Accordingly, Applicants believe that the specification discloses both an anchoring device and an anchoring band.

While the Examiner concedes that Applicants are correct, the Examiner nevertheless believes that a possible ambiguity exists and suggests that the specification be amended to indicate that the anchoring band 160 is an anchoring device. In order to expedite prosecution, Applicants are amending the specification as suggested. The objection, therefore, should now be withdrawn.

### **B. Claim Rejections**

Claims 1, 2, 10, 11, 16, 22 and 41 are rejected as being anticipated by Accisano, III (US 5,571,085). Applicants respectfully traverse.

In applying the claims to Accisano, the Examiner relies upon Fig. 4 and characterizes the structure as having a manipulator wire, which is identified by the Examiner as item 47, a first lumen portion of a single shaft lumen, which is identified by the Examiner as item 50, and a second lumen portion that is merely said by the Examiner to be “shown below” item 50. The structure of Accisano is shown first in perspective in Fig. 4:



As described in col. 9, lines 28-34, item 47 is a support member and not a manipulator wire:

A pair of support members 47 are disposed along the outer surface of the fluid transport tube 46 along the portion of its length in the catheter's distal tip portion 54. In the embodiment shown in FIGS. 4 and 5, the support members are straight, generally cylindrical elongated wires or shims 47 and are disposed radially and symmetrically opposite one another along the fluid transport tube 46. As discussed in 30

The structure is further shown in cross-section in Fig. 4B:

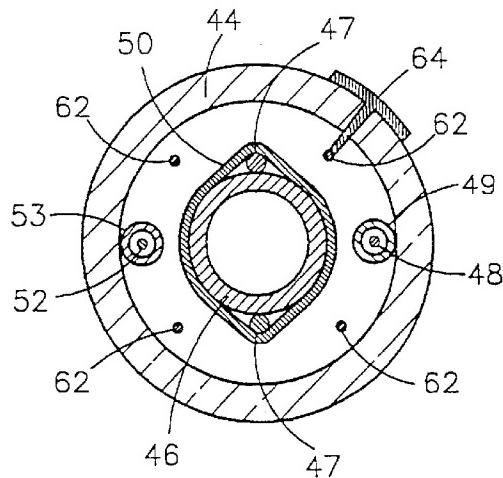


FIG. 4B

The items 48 and 52 are identified in col. 10, lines 36-49, as "pull cables."

Furthermore, item 50 is identified in that passage as a "bonding sleeve;" it is not a shaft lumen.

In FIGS. 4A and 4B, the first embodiment of the catheter of the present invention shown in FIG. 4 is depicted in cross-section taken along the lines IVA—IVA and IVB—IVB, respectively, in FIG. 4. The distal or forward end of the first and second pull cables 48, 52 pass on diametrically opposed sides of the fluid transport tube 46. Similarly, the two support members 47 are secured to diametrically opposed sides of the fluid transport tube 46. The wire conductors 62 are disposed between the catheter tube 44 and the guidewire spring 60, as shown in FIG. 4A, or between the catheter tube 44 and the bonding sleeve 50, as shown in FIG. 4B. An insulating sheath (not shown) may also be employed to envelope the guidewire spring 60 thereby electrically insulating it from the electrical conductors 62.

Therefore, the Examiner's characterizations of Accisano are incorrect. The anticipation rejection, as a result, is necessarily without support and should be withdrawn.

Furthermore, contrary to the contention made in the office action that Accisano "discloses the invention substantially as claimed," the structure disclosed in Accisano is nothing like the structure set forth in the claims. The obviousness rejections apply Accisano in the same fashion as applied in the anticipation rejection. Accordingly, each obviousness rejections based on any combination of the cited references that include and rely upon Accisano is without merit and should be withdrawn.

In view of the above remarks, it is submitted that all claims are patentable and the application is in condition for allowance. Applicants request issuance of a notice of allowance.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

July 13, 2009

Date

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